HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.6077 of 2000

Dated: 13th day of July, 2007

Between:

Kommata Dubba Rajaiah ..
Petitioner

And

The Land Acquisition Officer-cum-
Mandal Revenue Officer, Ramayampet,
Medak District ..
Respondent

O R D E R:

This writ petition is filed seeking a direction to the respondent to consider the claim of the petitioner for re-determination and payment of compensation under Section 28(A) of the Land Acquisition Act, 1894 (for brevity "the Act") on par with other claimants.

The petitioner asserts that his father is the absolute owner of an extent of Ac.0.18 gts. of land in S.No.1112 and Ac.0.13 gts. in S.No.113 situated in Nizampet village. As these lands and some more lands were required for public purpose i.e. to provide house-sites to weaker sections, the respondent-Land Acquisition Officer-cum-Mandal Revenue Officer issued a Notification under Section 4(1) and a Draft Declaration under Section 6 of the Act proposing to acquire an extent of Ac.6.13 gts including the lands belonging to the petitioner's father. Subsequently, after following the entire procedure, an award was passed on 11.7.1983 fixing the compensation. Some of the land-owners, being not satisfied with the compensation, sought the matter for reference to the civil Court, and accordingly, the same was renumbered as O.P.No.119 of 1986. The civil Court, after discussing the entire evidence on record, enhanced the compensation, and thus, passed an award dated 26.4.1991. Coming to know of the enhancement, the petitioner's father and another gave an application dated 25.5.1991 to the respondent seeking re-determination of the compensation as contemplated under Section 28(A) of the Act, but he did not consider their application. Now, the petitioner's grievance is

that after the death of his father i.e. the original landowner, the petitioner submitted an application on 2.2.2000 to the respondent, but he has not paid the enhanced compensation.

The respondent has filed counter affidavit admitting all the facts, but the only ground taken by him is that the application dated 25.5.1991 submitted by the petitioner's father was forwarded to the Collector, but either the petitioner or his father never made any representation to the District Collector.

Heard the learned counsel for both the parties.

As per the definition under Section 3(c) of the Act, the expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the appropriate Government to perform the functions of a Collector under this Act. In every provision under the Act, all the functions are to be done either by the Collector or by an Officer appointed by him. Evidently, in the instant case, the respondent is appointed as Land Acquisition Officer who passed the award, and hence, he is the Collector for all purposes. For enhancement of compensation as contemplated under Section 28(A) of the Act, he cannot simply turn round and say that the application was not made to the District Collector. In fact, the respondent should have remembered the fact that he is the Land Acquisition Officer insofar as the lands in question are concerned and it is he who passed the award fixing the compensation, and hence, he has to re-determine the compensation on par with others whose compensation was enhanced by a competent civil Court.

In the result, this writ petition is allowed and the Land Acquisition Officer-cum-Mandal Revenue Officer is hereby directed to consider the claim of the petitioner's father dated 25.5.1991 and pay

compensation as enhanced by the civil Court in O.P.No.119 of 1986 dated 26.4.1991 within a period of four weeks from the date of receipt of a copy of this order. No costs.

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13.07.2007

bcj